



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

would like to have, may find delightful and even lucrative professional occupation; but he will rarely if ever rise to the higher planes of advocacy.

The book further does a real service in drawing attention, even if in a somewhat alarming way, to the existing dangers of practice and those which threaten the profession's future. It is true that the commercializing of life has, especially in the very large cities, made the law so profitable a trade as to submerge the professional instinct; and it having always been true that legal opportunities cluster around commercial expansion, the cities tend to swallow up the rising men of smaller communities. It is also true that more than one tenth of the active bar of the United States works in whole or in very large part within fifty miles of the City Hall of New York; but there is nothing new in kind about all this. It is all very old, only the degree requires watching, and youth well advised is forearmed when forewarned.

The profession is and always has been, for every man, what he chooses to make it, if he makes anything of it. It lies with the man himself whether he will graduate into a Sampson Brass, ultimately join the firm of Quirk, Gammon & Snap, or be listened to with friendly respect whenever he chooses to speak before the most admired and eminent magistrate in his community,—this might have been more insistently set forth.

Yet the modest volume fulfills its main purpose; for the youth who thinks he would like to be a lawyer will be moved by its reading to think again, and will more carefully question that friend or relative whose apparently fortunate position was the probable source of inclination; while the lad, impartial and not very determined, who surveys the list of human occupations looking for a congenial and not too engrossing job, will hardly be induced to study law by the perusal of this handbook — all of which is good for the profession and the country.

CHARLES M. HOUGH.

NEW YORK.

A PRACTICAL TREATISE ON TITLE TO REAL PROPERTY, INCLUDING THE COMPILED AND EXAMINATION OF ABSTRACTS, WITH FORMS. By George W. Thompson. Indianapolis: Bobbs-Merrill Co. 1919. pp. iii, 1112.

This book raises an interesting question of title by accession. The writer has combined his materials and labor with those of Mr. George W. Warvelle, the author of the well-known treatise on "Abstracts and Examinations of Title to Real Property," apparently without any authorization by the latter. The book is substantially a paraphrased edition of Warvelle's work, issued under a more pretentious name. The order of chapters follows exactly that of Warvelle, and the section headings are practically the same, with slight variations and transpositions. No acknowledgment is made of the author's indebtedness to Warvelle beyond the following statement in the preface: "In the preparation of this work the author has combined his own experience with the experience of a number of eminent conveyancers and lawyers, with whom he has been privileged to consult, and to whom he acknowledges many obligations for advice and suggestions."

This generous acknowledgment is itself substantially lifted from Warvelle's Preface. With the author's genius for "combining" his own work with that of others, or, one might say, "grafting" it upon that of others, one wonders whence he derived the inspiration for the additions which he has made to Warvelle in chapters XXXII, XXXIII, and XXXIV, in which he has added a digest of statutes pertaining to the execution and acknowledgment of deeds, a digest of statutes of descent, and a digest of statutes of wills. He has also added a brief chapter on Registration of Title Under the Torrens System.

The author, or one may perhaps call him editor, has somewhat elaborated

and paraphrased Warvelle's text, and has added numerous citations of cases which seem well selected.

With so much at hand ready made, it must be a comparatively easy task to write a law book. All that is necessary is to take the digest and the encyclopedia and dictate the "combination." It will seldom be necessary in such a "practical" work to look beyond the headnotes. The writer is not concerned with the "theory" or the underlying principles of the law. There is no need for scholarly insight or acumen, or even literary style. It is something like compiling an abstract.

Warvelle in the original work did not profess to compile a treatise upon Titles to Real Property; his main purpose was evidently to furnish information and suggestions to those who prepare abstracts of title. The statements of the law, both in his book and that of Thompson, are for the most part brief, general, and elementary. By his elaboration and annotation Thompson has made it more valuable as a digest of cases, but less clear and intelligible for study by the beginner.

It is no doubt useful to epitomize enough law to instruct the abstracter in the mode of preparing his abstract, to assist him in selecting his materials, and to indicate in a general way the various matters which affect the title to real property. Such an elementary book may serve the purpose of abstracters and business men who do not have access to encyclopedias, but it is hardly to be regarded as a law book for lawyers and conveyancers in advising on abstracts of title. The "forms and precedents" given are similar to those given by Warvelle, being merely for the use of abstracters.

A few illustrations of the superficiality and defects of the treatment may be given. In defining an estate in fee simple on page 42, the statement is taken from *Warden v. Lyons*, 118 Pa. St. 396, that a fee simple "includes all qualifications or restrictions as to the persons who may inherit as heirs; thus distinguishing it from a fee tail." The word "includes," in the opinion in the Pennsylvania case, is substituted for the word "excludes" in quoting a definition from "Bouvier's Law Dictionary." The editor-author copies the mistake from the report without stopping to think what his definition means.

On page 343 the writer speaks of a resulting trust being raised by fraud, evidently confusing resulting and constructive trusts.

It would be hopeless for either a lawyer or a beginner to get any information from the incoherent remarks on the subject of "jurisdiction *in rem*" and "*quasi in rem*" on page 662.

In laying down the rule on page 715 "that no disseisin on the part of any one can affect a reversioner or remainder-man," the writer fails to mention the rule prevailing in Iowa and Nebraska, by which statutes giving any person who claims an interest in real property a right to maintain an action against any person who claims the title thereto, are construed to make the statute begin to run against the holder of a future estate when he knows of the adverse holding. Thus future interests which in most jurisdictions constitute a great obstacle to the automatic quieting of title to realty, may there be destroyed by adverse possession. (5 IOWA LAW BULLETIN, 112; 32 HARV. L. REV. 146.)

In treating of the right of a murderer to inherit the property of his victim, the writer fails to mention the possibility of subjecting the wrongdoer to a constructive trust, as suggested by Dean Ames. (AMES, LECTURES ON LEGAL HISTORY, 310. See also 1 CAL. L. REV. 397.)

As a book for students and beginners, the work is defective in its entire lack of concrete illustrations or discussion of underlying principles. As a lawyer's book, it is largely useless to one who has access to encyclopedias, digests, and more detailed textbooks. It can be recommended to those who desire a cursory general treatment for ready reference, such as those in the abstract business or in real estate offices.

HENRY W. BALLANTINE.

UNIVERSITY OF ILLINOIS.